

Repeat-PAEB, RepeatPACER, DISMISSED, APPEAL

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Bankruptcy Petition #: 23-12202-pmm**

Assigned to: Judge Patricia M. Mayer
Chapter 13
Voluntary
Asset

Date filed: 07/25/2023
Debtor dismissed: 05/07/2024
Joint debtor dismissed: 05/07/2024
Deadline for filing claims: 10/03/2023
Deadline for filing claims (govt.): 01/22/2024

Debtor disposition: Dismissed for Other Reason
Joint debtor disposition: Dismissed for Other Reason

Debtor

Michael Patrick Creedon
4 Saljon Ct
Maple Glen, PA 19002-3012
MONTGOMERY-PA
SSN / ITIN: xxx-xx-2310

represented by **MICHAEL A. CIBIK**
Cibik Law, P.C.
1500 Walnut Street
Suite 900
Philadelphia, PA 19102
215-735-1060
Email: help@cibiklaw.com

Joint Debtor

Regina Anne Creedon
4 Saljon Ct
Maple Glen, PA 19002-3012
MONTGOMERY-PA
SSN / ITIN: xxx-xx-8131

represented by **MICHAEL A. CIBIK**
(See above for address)

Trustee

KENNETH E. WEST
Office of the Chapter 13 Standing Trustee
1234 Market Street – Suite 1813
Philadelphia, PA 19107
215-627-1377

represented by **KENNETH E. WEST**
Office of the Chapter 13 Standing Trustee
1234 Market Street – Suite 1813
Philadelphia, PA 19107
215-627-1377
Fax : 215-627-6299
Email: ecfemails@ph13trustee.com

U.S. Trustee

United States Trustee
Office of United States Trustee
Robert N.C. Nix Federal Building
900 Market Street
Suite 320
Philadelphia, PA 19107
(215)597-4411

Filing Date	#	Docket Text
07/25/2023	<u>1</u>	Chapter 13 Voluntary Petition for Individual . Fee Amount \$313 Filed by Michael Patrick Creedon, Regina Anne Creedon. SSN – Form B121 /Tax ID due 08/1/2023. Government Proof of Claim Deadline: 01/22/2024. Atty Disclosure Statement due 08/8/2023.Chapter 13 Statement of Your

			Current Monthly Income and Calculation of Commitment Period Form 122C-1 Due 08/8/2023 Means Test Calculation Form 122C-2 – <i>If Applicable</i> – Due: 08/8/2023. Chapter 13 Plan due by 08/8/2023. Schedules AB-J due 08/8/2023. Statement of Financial Affairs due 08/8/2023. Summary of Assets and Liabilities due 08/8/2023. Incomplete Filings due by 08/8/2023. (CIBIK, MICHAEL) (Entered: 07/25/2023)
07/25/2023		<u>2</u>	Statement of Social Security Number Received. Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Entered: 07/25/2023)
07/25/2023		<u>3</u>	Certificate of Credit Counseling Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Entered: 07/25/2023)
07/25/2023			Receipt of Voluntary Petition (Chapter 13)(23-12202) [misc,volp13a] (313.00) Filing Fee. Receipt number A25077895. Fee Amount \$ 313.00. (re: Doc# <u>1</u>) (U.S. Treasury) (Entered: 07/25/2023)
07/26/2023			Name of Trustee assigned to case: KENNETH E. WEST. (B., Keith) (Entered: 07/26/2023)
07/26/2023		<u>4</u>	Order Entered the debtor having failed to file or submit with the petition all of the documents required by Fed. R. Bankr.P.1007, It is hereby ORDERED that this case MAY BE DISMISSED WITHOUT FURTHER NOTICE if the documents listed are not filed by deadlines listed: Any request for an extension of time must be filed prior to the expiration of the deadlines listed. (Matrix List of Creditors due 8/1/2023. Atty Disclosure Statement due 08/8/2023. Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period Form 122C-1 Due 08/8/2023. Means Test Calculation Form 122C-2 – <i>If Applicable</i> – Due: 08/8/2023. Chapter 13 Plan due by 08/8/2023. Schedules AB-J due 08/8/2023. Statement of Financial Affairs due 08/8/2023. Summary of Assets and Liabilities due 08/8/2023) (B., Keith) Modified on 7/26/2023 (B., Keith). (Entered: 07/26/2023)
07/26/2023		<u>5</u>	Matrix List of Creditors Filed. Number of pages filed: 2, Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Entered: 07/26/2023)
07/28/2023		<u>6</u>	BNC Certificate of Mailing – Order Requiring Documents. Number of Notices Mailed: (related document(s) (Related Doc # <u>4</u>)). No. of Notices: 1. Notice Date 07/28/2023. (Admin.) (Entered: 07/29/2023)
07/31/2023		<u>7</u>	Motion to Extend Automatic Stay Filed by Michael Patrick Creedon, Regina Anne Creedon Represented by MICHAEL A. CIBIK (Counsel). (Attachments: # <u>1</u> Proposed Order) (CIBIK, MICHAEL) (Entered: 07/31/2023)
07/31/2023		<u>8</u>	Notice of (related document(s): <u>7</u> Motion to Extend Automatic Stay) Filed by Michael Patrick Creedon, Regina Anne Creedon. Hearing scheduled 8/23/2023 at 01:00 PM at Courtroom #1. (CIBIK, MICHAEL) (Entered: 07/31/2023)
07/31/2023		<u>9</u>	Certificate of Service of <i>Motion to Extend Stay</i> Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon (related document(s) <u>7</u> , <u>8</u>). (CIBIK, MICHAEL) (Entered: 07/31/2023)

08/03/2023		<u>10</u>	Notice of Appearance and Request for Notice by STEPHEN R. STARKS Filed by STEPHEN R. STARKS on behalf of Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit. (STARKS, STEPHEN) (Entered: 08/03/2023)
08/08/2023		<u>11</u>	Motion to extend time to file schedules Filed by Michael Patrick Creedon, Regina Anne Creedon Represented by MICHAEL A. CIBIK (Counsel). (Attachments: # <u>1</u> Proposed Order) (CIBIK, MICHAEL) (Entered: 08/08/2023)
08/11/2023		<u>12</u>	Order Granting Motion to extend time to file schedules (Related Doc # <u>11</u>) Incomplete Filings due by 8/18/2023. Atty Disclosure Statement due 8/18/2023. Chapter 13 Plan due by 8/18/2023. Schedules AB–J due 8/18/2023. Statement of Financial Affairs due 8/18/2023. Statistical Summary of Certain Liabilities due 8/18/2023.Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period Form 122C–1 Due 8/18/2023. Means Test Calculation Form 122C–2 – <i>If Applicable</i> – Due: 8/18/2023. (B., Keith) (Entered: 08/11/2023)
08/13/2023		<u>13</u>	BNC Certificate of Mailing – PDF Document. (related document(s) (Related Doc # <u>12</u>)). No. of Notices: 1. Notice Date 08/13/2023. (Admin.) (Entered: 08/14/2023)
08/17/2023		<u>14</u>	Declaration About Individual Debtor's Schedules , Disclosure of Compensation of Attorney for Debtor in the amount of 4725.00 Debtor Michael Patrick Creedon, Joint Debtor Regina Anne Creedon, Schedules A/B – J , Statement of Financial Affairs for Individual , Summary of Assets and Liabilities and Certain Statistical Information Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Entered: 08/17/2023)
08/17/2023		<u>15</u>	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period for 3 Years Form 122C–1. Disposable Income Is Not Determined Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Entered: 08/17/2023)
08/17/2023		<u>16</u>	Chapter 13 Plan Filed by Michael Patrick Creedon, Regina Anne Creedon. (Attachments: # <u>1</u> cert of service)(CIBIK, MICHAEL) (Entered: 08/17/2023)
08/18/2023		<u>17</u>	Amended Motion (related document(s): Motion to Extend Automatic Stay filed by Debtor Michael Patrick Creedon, Joint Debtor Regina Anne Creedon) Filed by Michael Patrick Creedon, Regina Anne Creedon Represented by MICHAEL A. CIBIK (Counsel) (related document(s) <u>7</u>). (Attachments: # <u>1</u> Certificate of Service) (CIBIK, MICHAEL) (Entered: 08/18/2023)
08/22/2023		<u>18</u>	Meeting of Creditors. The Debtor has filed a Plan. This Plan proposes payment to the trustee of \$3980.00 per month for 60 months. Filed by KENNETH E. WEST. 341(a) meeting to be held on 10/18/2023 at 11:30 AM at ALTERNATE TELEPHONIC CONFERENCE (For Trustee Use Only). Objection to Dischargeability of Certain Debts due: 12/17/2023. Proofs of Claims due by 10/3/2023. Government Proof of Claim Deadline: 01/22/2024.Confirmation Hearing scheduled 12/12/2023 at 1:00 PM at Courtroom #1. (WEST, KENNETH) (Entered: 08/22/2023)
08/23/2023		<u>19</u>	Objection to Confirmation of Plan <i>and Certificate of Service</i> Filed by Wells Fargo Bank, National Association as Trustee for Asset Backed

			Securities Corporation Home Equit (related document(s) <u>16</u>). (SPIVACK, ANDREW) (Entered: 08/23/2023)
08/23/2023		20	Hearing Held on <u>7</u> Motion to Extend Automatic Stay Filed by Michael Patrick Creedon, Regina Anne Creedon. Order entered granting motion. (B., Pamela) (Entered: 08/23/2023)
08/24/2023		<u>21</u>	Order Granting Debtor's Motion to Extend Automatic Stay. (Related Doc # <u>7</u> (S., Antoinette) (Entered: 08/24/2023)
08/25/2023		<u>22</u>	BNC Certificate of Mailing – Meeting of Creditors. Number of Notices Mailed: (related document(s) (Related Doc # <u>18</u>)). No. of Notices: 7. Notice Date 08/25/2023. (Admin.) (Entered: 08/26/2023)
08/26/2023		<u>23</u>	BNC Certificate of Mailing – PDF Document. (related document(s) (Related Doc # <u>21</u>)). No. of Notices: 1. Notice Date 08/26/2023. (Admin.) (Entered: 08/27/2023)
08/31/2023		<u>24</u>	The upcoming 341(a) meeting is scheduled to be held remotely..For participation by telephone, please call and to join the meeting.. More information can be found in the attached pdf document.. (WEST, KENNETH) (Entered: 08/31/2023)
09/27/2023		<u>25</u>	Employee Income Records <i>joint debtor – Regina</i> Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Entered: 09/27/2023)
09/27/2023		<u>26</u>	Employee Income Records <i>statement of no payroll – debtor</i> Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Entered: 09/27/2023)
10/20/2023			Meeting of Creditors Held and Concluded on: 10/18/2023. (WEST, KENNETH) (Entered: 10/20/2023)
11/24/2023		<u>27</u>	Motion for Relief from Stay <i>4 Saljon Ct Maple Glen, Pennsylvania 19002</i> . Fee Amount \$188.00, Filed by Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit Represented by ANDREW L. SPIVACK (Counsel). Objections due by 1/3/2024. (Attachments: # <u>1</u> Service List # <u>2</u> Proposed Order # <u>3</u> Exhibit A # <u>4</u> Loan documents) (SPIVACK, ANDREW) (Entered: 11/24/2023)
11/24/2023		<u>28</u>	Notice of (related document(s): <u>27</u> Motion for Relief from Stay <i>4 Saljon Ct Maple Glen, Pennsylvania 19002</i> . Fee Amount \$188.00,) Filed by Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit. Hearing scheduled 1/10/2024 at 01:00 PM at Courtroom #1. (SPIVACK, ANDREW) (Entered: 11/24/2023)
11/24/2023			Receipt of Motion for Relief From Stay(23–12202–pmm) [motion,mrlfsty] (188.00) Filing Fee. Receipt number A25346814. Fee Amount \$ 188.00. (re: Doc# <u>27</u>) (U.S. Treasury) (Entered: 11/24/2023)
11/30/2023		<u>29</u>	Objection to Motion for Relief From Stay filed by Creditor Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit Filed by Michael Patrick Creedon, Regina Anne Creedon (related document(s) <u>27</u>). (CIBIK, MICHAEL) (Entered: 11/30/2023)
12/12/2023		32	

			Hearing Continued on Confirmation. Hearing scheduled 01/23/2024 at 01:00 PM at Philadelphia Video Hearing. (Roman, Sara) (Entered: 12/26/2023)
12/19/2023		<u>30</u>	Motion to Dismiss Case. There has been unreasonable delay by debtor(s) that is prejudicial to creditors pursuant to 11 U.S.C. Section 1307(c)(1) by failing to propose an adequately funded plan, in that the total filed proofs of claim which are to be paid through the plan exceed the value of the proposed plan. Filed by KENNETH E. WEST Represented by KENNETH E. WEST (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List) (WEST, KENNETH) (Entered: 12/19/2023)
12/19/2023		<u>31</u>	Notice of (related document(s): <u>30</u> Motion to Dismiss Case. There has been unreasonable delay by debtor(s) that is prejudicial to creditors pursuant to 11 U.S.C. Section 1307(c)(1) by failing to propose an adequately funded plan, in that the total filed proofs of claim which are to be p) Filed by KENNETH E. WEST. Hearing scheduled 1/30/2024 at 01:00 PM at Courtroom #1. (WEST, KENNETH) (Entered: 12/19/2023)
01/03/2024		<u>33</u>	Amended Notice of (related document(s): <u>30</u> Motion to Dismiss Case. There has been unreasonable delay by debtor(s) that is prejudicial to creditors pursuant to 11 U.S.C. Section 1307(c)(1) by failing to propose an adequately funded plan, in that the total filed proofs of claim which are to be p) Filed by KENNETH E. WEST. Hearing scheduled 1/23/2024 at 01:00 PM at Courtroom #1. (WEST, KENNETH) (Entered: 01/03/2024)
01/08/2024		34	Hearing Scheduled 01/10/2024 on <u>27</u> Motion for Relief from Stay 4 Saljon Ct Maple Glen, Pennsylvania 19002. Filed by Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit Represented by ANDREW L. SPIVACK (Counsel). Cancelled. Reason for Cancellation: Stipulation to be filed. (Roman, Sara) (Entered: 01/08/2024)
01/08/2024		<u>35</u>	*WITHDRAWN* Praeipce to Re-list <i>Confirmation Hearing</i> Filed by KENNETH E. WEST on behalf of KENNETH E. WEST (related document(s) <u>16</u>). (WEST, KENNETH) Modified on 1/8/2024 (Roman, Sara). (Entered: 01/08/2024)
01/08/2024		<u>36</u>	Order Entered that On or before February 7, 2024, the parties shall either file the Stipulation or file a notice relisting the Motion for hearing. (related document(s) <u>27</u>). (Roman, Sara) (Entered: 01/08/2024)
01/08/2024		<u>37</u>	Praeipce to Withdraw Filed by KENNETH E. WEST on behalf of KENNETH E. WEST (related document(s) <u>35</u>). (WEST, KENNETH) (Entered: 01/08/2024)
01/10/2024		<u>38</u>	BNC Certificate of Mailing – PDF Document. (related document(s) (Related Doc # <u>36</u>)). No. of Notices: 1. Notice Date 01/10/2024. (Admin.) (Entered: 01/11/2024)
01/19/2024		<u>39</u>	Stipulation of Settlement By Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit and Between Michael A. Cibik, Esquire of <i>Motion for Relief from Stay</i> Filed by ANDREW L. SPIVACK on behalf of Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit (related document(s) <u>27</u>). (Attachments: # <u>1</u> Proposed Order) (SPIVACK, ANDREW) (Entered: 01/19/2024)
01/22/2024		<u>40</u>	

			Order Approving Stipulation of Settlement Between Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit and Michael A. Cibik, Esquire re: Motion for Relief from Stay Filed by ANDREW L. SPIVACK on behalf of Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit (related document(s) <u>39</u> , <u>27</u>). (Henry, Lisa) (Entered: 01/23/2024)
01/23/2024		<u>41</u>	First Amended Chapter 13 Plan Filed by Michael Patrick Creedon, Regina Anne Creedon (related document(s) <u>16</u>). (Attachments: # <u>1</u> Service List)(CIBIK, MICHAEL) (Entered: 01/23/2024)
01/23/2024		<u>42</u>	Amended Disclosure of Compensation of Attorney for Debtor in the amount of 5725 Debtor Michael Patrick Creedon, Joint Debtor Regina Anne Creedon Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Modified on 1/23/2024 to add Amended) (Henry, Lisa). (Entered: 01/23/2024)
01/23/2024		<u>43</u>	Pre-Confirmation Certification of Compliance with Post Petition Obligations in Accordance with 11 U.S.C. Section 1325 (a)(8) and (a)(9) Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon (related document(s) <u>41</u>). (CIBIK, MICHAEL) (Entered: 01/23/2024)
01/23/2024		44	Hearing Held and Continued on Confirmation. Hearing scheduled 02/13/2024 at 01:00 PM at Philadelphia Video Hearing. (Roman, Sara) (Entered: 01/23/2024)
01/23/2024		45	Hearing Held and Continued on <u>30</u> Motion to Dismiss Case for Other Filed by KENNETH E. WEST. Hearing scheduled 02/13/2024 at 01:00 PM at Philadelphia Video Hearing. (Roman, Sara) (Entered: 01/23/2024)
01/25/2024		<u>46</u>	BNC Certificate of Mailing – PDF Document. (related document(s) (Related Doc # <u>40</u>)). No. of Notices: 1. Notice Date 01/25/2024. (Admin.) (Entered: 01/26/2024)
02/08/2024		<u>47</u>	Amended Schedule J – Your Expenses Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon. (CIBIK, MICHAEL) (Entered: 02/08/2024)
02/12/2024		<u>48</u>	Second Amended Chapter 13 Plan Filed by Michael Patrick Creedon, Regina Anne Creedon (related document(s) <u>41</u>). (Attachments: # <u>1</u> Service List)(CIBIK, MICHAEL) (Entered: 02/12/2024)
02/13/2024		<u>49</u>	Praecipe to Withdraw <i>Objection to Confirmation of Plan</i> Filed by MARIO J. HANYON on behalf of Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit (related document(s) <u>19</u>). (HANYON, MARIO) (Entered: 02/13/2024)
02/13/2024		50	Hearing Continued on Confirmation. Hearing scheduled 03/26/2024 at 01:00 PM at Philadelphia Video Hearing. (Roman, Sara) (Entered: 02/14/2024)
02/13/2024		51	Hearing Held on <u>30</u> Motion to Dismiss Case for Other Filed by KENNETH E. WEST. Motion Withdrawn on the record. (Roman, Sara) *Modified on 2/14/2024 by (Roman, Sara).* (Entered: 02/14/2024)
02/14/2024			

			Corrective Entry re: Hearing Held on <u>30</u> Motion to Dismiss Case for Other Filed by KENNETH E. WEST. Motion Withdrawn on the record. (related document(s) <u>51</u>). *modified to reflect motion withdrawn and not continued (Roman, Sara)* (Entered: 02/14/2024)
03/26/2024		<u>52</u>	Hearing Held on Confirmation. Denied. (Roman, Sara) (Entered: 03/26/2024)
03/26/2024		<u>53</u>	Proposed Order Re: <i>DENYING CONFIRMATION OF PLAN</i> Filed by KENNETH E. WEST on behalf of KENNETH E. WEST (related document(s) <u>48</u>). (WEST, KENNETH) (Entered: 03/26/2024)
03/26/2024		<u>54</u>	Order Denying Confirmation of Chapter 13 Plan. (B., Keith) (Entered: 03/27/2024)
03/27/2024		<u>55</u>	Amended Motion to Dismiss Case. Filed by KENNETH E. WEST Represented by KENNETH E. WEST (Counsel). (Attachments: # <u>1</u> Proposed Order) (WEST, KENNETH) (Entered: 03/27/2024)
03/27/2024		<u>56</u>	Notice of (related document(s): <u>55</u> Amended Motion to Dismiss Case.) <i>Notice of Motion, Response Deadline and Hearing Date</i> Filed by KENNETH E. WEST. Hearing scheduled 5/7/2024 at 1:00 PM at Courtroom #1. (Attachments: # <u>1</u> Service List) (WEST, KENNETH) (Entered: 03/27/2024)
03/29/2024		<u>57</u>	BNC Certificate of Mailing – PDF Document. (related document(s) (Related Doc # <u>54</u>)). No. of Notices: 1. Notice Date 03/29/2024. (Admin.) (Entered: 03/30/2024)
04/10/2024		<u>58</u>	Certification of Default of <i>Stipulation entered in Settlement of Motion for Relief from Stay</i> Filed by ANDREW L. SPIVACK on behalf of Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit (related document(s) <u>40</u> , <u>39</u> , <u>27</u>). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Notice of Default) (SPIVACK, ANDREW) (Entered: 04/10/2024)
04/17/2024		<u>59</u>	Order Granting Motion for Relief from Stay 4 Saljon Ct Maple Glen, Pennsylvania 19002 Filed by Wells Fargo Bank, National Association as Trustee for Asset Backed Securities Corporation Home Equit Represented by ANDREW L. SPIVACK (Related Doc # <u>27</u>) (B., Keith) (Entered: 04/17/2024)
04/17/2024		<u>60</u>	Proposed Order Re: <i>Motion to Dismiss</i> Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon (related document(s) <u>55</u>). (CIBIK, MICHAEL) (Entered: 04/17/2024)
04/19/2024		<u>61</u>	BNC Certificate of Mailing – PDF Document. (related document(s) (Related Doc # <u>59</u>)). No. of Notices: 1. Notice Date 04/19/2024. (Admin.) (Entered: 04/20/2024)
05/07/2024		<u>62</u>	Hearing Held on <u>55</u> Motion to Dismiss Case for Other Filed by KENNETH E. WEST. Order to be entered Granting Motion with Retention. (Roman, Sara) (Entered: 05/07/2024)
05/07/2024		<u>63</u>	Order Granting Amended Motion to Dismiss Case. Filed by KENNETH E. WEST and Setting Deadline for Applications for Allowance of Administrative Expenses (Related Doc # <u>55</u>) (B., Keith) (Entered: 05/07/2024)

05/09/2024	<u>64</u>	BNC Certificate of Mailing – PDF Document. (related document(s) (Related Doc # <u>63</u>)). No. of Notices: 6. Notice Date 05/09/2024. (Admin.) (Entered: 05/10/2024)
05/21/2024	<u>65</u>	Application for Compensation for MICHAEL I. ASSAD, Debtor's Attorney, Period: to, Fee: \$5725, Expenses: \$. Filed by MICHAEL I. ASSAD Represented by Self(Counsel). (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order # <u>3</u> Service List) (ASSAD, MICHAEL) (Entered: 05/21/2024)
06/05/2024	<u>66</u>	Certificate of No Response to <i>Application for Compensation</i> Filed by MICHAEL A. CIBIK on behalf of Michael Patrick Creedon, Regina Anne Creedon (related document(s) <u>65</u> , <u>63</u>). (CIBIK, MICHAEL) (Entered: 06/05/2024)
06/10/2024	<u>67</u>	Order Granting in part, Denying in part Application For Compensation (Related Doc # <u>65</u>) Granting in part, Denying in part for MICHAEL I. ASSAD, fees awarded: \$4300.00, expenses awarded: \$ (B., Keith) (Entered: 06/10/2024)
06/12/2024	<u>68</u>	BNC Certificate of Mailing – PDF Document. (related document(s) (Related Doc # <u>67</u>)). No. of Notices: 1. Notice Date 06/12/2024. (Admin.) (Entered: 06/13/2024)
06/15/2024	<u>69</u>	Notice of Appeal to District Court. . Fee Amount \$298.00 Filed by Michael I. Assad (related document(s) <u>67</u>). Appellant Designation due by 07/1/2024. Transmission of record on appeal to District Court Due Date:07/15/2024. (ASSAD, MICHAEL) (Entered: 06/15/2024)
06/15/2024		Receipt of Notice of Appeal(23–12202–pmm) [appeal,ntcapl] (298.00) Filing Fee. Receipt number A25792704. Fee Amount \$ 298.00. (re: Doc# <u>69</u>) (U.S. Treasury) (Entered: 06/15/2024)
06/15/2024	<u>70</u>	Statement of Issues on Appeal, Filed by Michael I. Assad (related document(s) <u>69</u>). (ASSAD, MICHAEL) (Entered: 06/15/2024)
06/15/2024	<u>71</u>	Appellant Designation of Contents For Inclusion in Record On Appeal Filed by Michael I. Assad. Appellee designation due by 07/1/2024. Transmission of Designation Due by 07/15/2024. (ASSAD, MICHAEL) (Entered: 06/15/2024)
06/16/2024	<u>72</u>	Amended Document <i>Appellant Designation of Contents For Inclusion in Record On Appeal</i> Filed by MICHAEL I. ASSAD on behalf of Michael I. Assad (related document(s) <u>71</u>). (ASSAD, MICHAEL) (Entered: 06/16/2024)
06/16/2024	<u>73</u>	Motion To Stay Pending Appeal (related documents Order on Application for Compensation) Filed by Michael I. Assad Represented by MICHAEL I. ASSAD (Counsel) (related document(s) <u>67</u>). (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (ASSAD, MICHAEL) (Entered: 06/16/2024)
06/16/2024	<u>74</u>	Motion to Expedite Hearing (related documents Motion to Stay Pending Appeal) Filed by Michael I. Assad Represented by MICHAEL I. ASSAD (Counsel) (related document(s) <u>73</u>). (ASSAD, MICHAEL) (Entered: 06/16/2024)
06/17/2024	<u>75</u>	Courts Certificate of Service Re: Notice of Appeal filed by Attorney Michael I. Assad. The following Party(s) have been notified: Case Judge –

			via email Case Trustee – via CM/ECF Debtor – via Regular mail through the BNC Joint Debtor – via Regular mail through the BNC Debtors Counsel – via CM/ECF Joint Debtors Counsel – via CM/ECF Office of the U.S. Trustee – via CM/ECF U.S. District Court – via email (related document(s) <u>69</u>). (B., Keith) (Entered: 06/17/2024)
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Debtors.

ORDER

AND NOW, upon consideration of the Application for Compensation (doc. #65, , “the

AND this bankruptcy case having been dismissed on May 7, 2024,

AND, upon the Applicant's certification that proper service has been made on all

AND, upon the Applicant's certification of no response,

AND, the Court of Appeals having held that the bankruptcy court “has a *duty* to review

AND, the Court of Appeals also having instructed that the bankruptcy courts should not

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representation [to the point] that the inquiry into the adequacy of the fee assume[s] massive proportions, perhaps even dwarfing the case in chief,”¹

AND, in reviewing the time records submitted by the Applicant and the services provided in this case, the court concluding that a reduction in the allowed compensation is appropriate,²

It is hereby **ORDERED** that:

1. The Application is **GRANTED IN PART AND DENIED IN PART**.
2. Compensation is allowed in favor of the Applicant in the amount of **\$4,300.00**. Counsel was paid **\$2,075.00** of this amount prior to the bankruptcy filing. See also L.B.R. 2016-1(h) (governing procedure for disposition of fee applications without a hearing).
3. The Chapter 13 Trustee is authorized to distribute to the Applicant the allowed compensation (\$4,300.00) less the \$2,075.00 which was paid by the Debtor prepetition

¹ Busy Beaver, 19 F.3d at 845 (quoting Lindy Bros. Builders, Inc. v. American Radiator & Std. Sanitary Corp., 540 F.2d 102, 116 (3d Cir. 1976 (en banc))).

² After reviewing the time records and case docket, I am unpersuaded that a fee of \$5,725.00 is a reasonable amount to charge for representation of the interests of the Debtor.

The time stated in the time records appears to be an unreasonable amount for the stated work. For example, counsel charges 4.5 hours to draft schedules and a plan, 3.0 hours to defend against a motion for relief and negotiate a stipulation, and 1.0 hour to review a short summary of time spent. It is unlikely that these tasks took that amount of time.

I have therefore reduced Counsel’s fee by approximately 25%, to a fee of \$4,300.00. Such an approach permits the court to avoid becoming enmeshed in a fee application process that is overly cumbersome or disproportionate given the size of this case and the stakes involved. See Green Valley Beer, 281 B.R. at 259; In re In re Adventist Living, 137 B.R. 701 (Bankr. N.D. Ill. 1991). See generally Busy Beaver, 19 F.3d at 845 (“Because its time is precious, the reviewing court need only correct reasonably discernible abuses, not pin down to the nearest dollar the precise fee to which the professional is ideally entitled”).

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(for a **remaining amount due of \$2,225.00**), as an administrative expense pursuant to 11 U.S.C. §1326(b), 11 U.S.C. §507, 11 U.S.C. §503(b) and 11 U.S.C. §330(a)(4)(B).

4. Cause exists within the meaning of 11 U.S.C. §349(b)(3) and the Trustee is directed to distribute the funds in his possession derived from the pre-confirmation chapter 13 plan payments of the Debtor(s) to pay the allowed compensation.



Date: 6/10/24

PATRICIA M. MAYER
U.S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Michael Patrick Creedon,
Regina Anne Creedon,

Debtors.

Case No. 23-12202-pmm
Chapter 13

Notice of Appeal

Appellant Michael I. Assad, the Debtors' attorney in the above bankruptcy case, hereby appeals to the U.S. District Court for the Eastern District of Pennsylvania from the order of this Court entered at ECF No. 67 on June 10, 2024, which partially denied the Appellant's application for compensation.

The Appellant requests that the Clerk serve this notice on all parties interested in the order being appealed. Those parties are listed below.

Party	Address
Michael Patrick Creedon Debtor	4 Saljon Court Maple Glen, PA 19002-3012
Regina Anne Creedon Joint Debtor	4 Saljon Court Maple Glen, PA 19002-3012
Kenneth E. West Chapter 13 Trustee	Jack K. Miller Office of the Chapter 13 Standing Trustee 1234 Market Street, Suite 1813 Philadelphia, PA 19107 215-627-1377
Andrew R. Vara U.S. Trustee	Dave P. Adams Office of United States Trustee Robert N.C. Nix Federal Building 900 Market Street, Suite 320 Philadelphia, PA 19107 215-597-4411

Date: June 15, 2024

CIBIK LAW, P.C.
Attorney for Appellant

By: 
Mike Assad (#330937)
1500 Walnut Street, Suite 900
Philadelphia, PA 19102
215-735-1060
help@cibiklaw.com

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Michael Patrick Creedon,
Regina Anne Creedon,

Debtors.

Case No. 23-12202-pmm
Chapter 13

Notice of Appeal

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CIBIK LAW, P.C.
Attorney for Appellant

By: 
Mike Assad (#330937)
1500 Walnut Street, Suite 900
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Form 256 (3/23)-doc 75 - 69

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:)	
Michael Patrick Creedon)	Case No. 23-12202-pmm
)	
Regina Anne Creedon)	Chapter: 13
)	
Debtor(s).)	

Certificate of Service

The Clerk hereby certifies that a true and correct copy of the attached document Doc.# [69] Notice of Appeal as served on June 17, 2024 to the below parties by the method indicated:

<u>Party</u>	<u>Method of Service</u>
Judge Patricia M. Mayer	<u>Email</u>
Office of the United States Trustee	CM/ECF
Case Trustee: KENNETH E. WEST	CM/ECF
U.S. District Court	Email
Debtor: Michael Patrick Creedon	Regular mail through the BNC
Joint Debtor: Regina Anne Creedon	
Debtor's Attorney:	CM/ECF
MICHAEL A. CIBIK	
Joint Debtor's Attorney:	CM/ECF
MICHAEL A. CIBIK	

Date: June 17, 2024

For The Court

Timothy B. McGrath
Clerk of Court